

MAYER BROWN LLP  
IAN N. FEINBERG (SBN 88324)  
LEE H. RUBIN (SBN 141331)  
SHIRISH GUPTA (SBN 205584)  
Two Palo Alto Square, Suite 300  
Palo Alto, CA 94306  
Telephone: (650) 331-2000  
Facsimile: (650) 331-2060

Attorneys for Defendants  
David Peterschmidt, Donald Listwin, Joshua  
Pace, Steven Peters, Al Snyder, Simon  
Wilkinson, Alan Black

**UNITED STATES DISTRICT COURT**

NORTHERN DISTRICT OF CALIFORNIA – SAN FRANCISCO DIVISION

In re: OPENWAVE SYSTEMS, INC.  
SHAREHOLDER DERIVATIVE  
LITIGATION

Master File No. 06-CV-03468-SJ

**STIPULATION AND [PROPOSED]  
ORDER TO EXTEND TIME**

This Document Relates To:

## ALL ACTIONS

1        WHEREAS, on December 29, 2006, plaintiffs filed a Consolidated Verified Shareholders  
2 Derivative Complaint;

3        WHEREAS, on May 17, 2007, this Court entered an Order dismissing plaintiffs'  
4 Consolidated Verified Shareholders Derivative Complaint;

5        WHEREAS, on June 29, 2007, plaintiffs filed an Amended Consolidated Verified  
6 Shareholders Derivative Complaint;

7        WHEREAS, on June 26, 2007, this Court entered an Order setting a briefing schedule in  
8 this action;

9        WHEREAS, pursuant to the June 26, 2007 Order, defendants filed motions to dismiss on  
10 July 31, 2007 and per this Court's subsequent Order, plaintiffs' opposition to the motions to  
11 dismiss was filed on September 5, 2007;

12       WHEREAS, on September 21, 2007 defendants' counsel sought plaintiffs' counsel's  
13 agreement to extend the date by which defendants must file their replies in support of their  
14 motions to dismiss to October 1, 2007; and

15       WHEREAS, plaintiffs' counsel indicated they do not object to an extension of time and  
16 the parties have agreed to a briefing schedule for defendants' reply briefs.

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2 THEREFORE, it is hereby stipulated and agreed by plaintiffs and defendants, through  
3 their respective counsel of record, as follows:

4 1) Defendants may file any reply briefs in support of their pending motions to  
5 dismiss by October 1, 2007; and  
6 2) The hearing scheduled for October 12, 2007 at 9:00 a.m. will not be affected by  
7 this stipulation.

8 IT IS SO STIPULATED.

9  
10 DATED: September 24, 2007

11 LERACH COUGHLIN STOIA GELLER  
12 RUDMAN & ROBBINS LLP  
TRAVIS E. DOWNS III  
BENNY C. GOODMAN III  
THOMAS G. WILHELM

13 By: /s/ Benny C. Goodman  
14 Benny C. Goodman

15 655 West Broadway, Suite 1900  
16 San Diego, CA 92101  
Telephone: 619-231-1058  
619/231-7423 (fax)

17 LERACH COUGHLIN STOIA GELLER  
18 RUDMAN & ROBBINS LLP  
SHAWN A. WILLIAMS  
MARIA V. MORRIS  
MONIQUE C. WINKLER  
100 Pine Street, Suite 2600  
20 San Francisco, CA 94111  
Telephone: 415/288-4545  
415/288-4534 (fax)

22 SCOTT + SCOTT, LLC  
ARTHUR L. SHINGLER III  
23 600 B Street, Suite 1500  
San Diego, CA 92101  
24 Telephone: 619/233-4565  
619/233-0508 (fax)

25 Co- Lead Counsel for Plaintiffs

26 DATED: September 24, 2007

27 SKADDEN, ARPS, SLATE, MEAGHER &  
FLOM LLP  
GARRETT J. WALTZER

1  
2 By: /s/ Garrett J. Waltzer  
3 Garrett J. Waltzer

4  
5 525 University Avenue  
6 Suite 1100  
7 Palo Alto, California 94301  
8 Telephone: 650/470-4500  
9 650/470-4570 (fax)

10  
11 Attorneys for Defendants Harold Covert,  
12 Kenneth Denman, Roger L. Evans, Bo  
13 Hedfors, Gerald Held, Masood Jabbar, Bernard  
14 Puckett, Alain Rossmann and Andrew  
15 Verhalen

16 DATED: September 24, 2007

17 GIBSON, DUNN & CRUTCHER LLP  
18 PAUL J. COLLINS

19 By: /s/ Paul J. Collins  
20 Paul J. Collins

21  
22 1881 Page Mill Road  
23 Palo Alto, CA 94304  
24 Telephone: 650/849-5300  
25 650/849-5333 (fax)

26  
27 Attorneys for Defendants Nominal Defendant  
28 Openwave Systems, Inc.

16 DATED: September 24, 2007

17 MAYER BROWN LLP  
18 LEE H. RUBIN

19 By: /s/ Lee H. Rubin  
20 Lee H. Rubin

21  
22 Two Palo Alto Square, Suite 300  
23 Palo Alto, CA 94306  
24 Telephone: 650/331-2000  
25 650/331-2060 (fax)

26  
27 Attorneys for Defendants Alan J. Black, Kevin  
28 J. Kennedy, Donald Listwin, Michael C.  
Mulica, Joshua A. Pace, Steven Peters, David  
Peterschmidt, Allen E. Snyder and Simon  
Wilkinson

25 *Filer's Attestation: Pursuant to General Order No. 45, Section X(B), Lee H. Rubin hereby  
attests that the signatories' concurrence in the filing of this document has been obtained.*

26 100304669\_1.DOC

1                   **[PROPOSED] ORDER**  
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PURSUANT TO STIPULATION, IT IS SO ORDERED.

3 Dated: \_\_\_\_\_  
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Judge Susan Illston

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